

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MARK A. HEATHERLY,	:	
Plaintiff,	:	Case No. 3:11cv00438
vs.	:	District Judge Walter Herbert Rice
		Chief Magistrate Judge Sharon L. Ovington
MICHAEL J. ASTRUE,	:	
Commissioner of the Social	:	
Security Administration,	:	
Defendant.	:	

DECISION AND ENTRY

This case is before the Court upon the parties' Stipulation To Award EAJA¹ Fees. (Doc. #16). The parties agree that Plaintiff is entitled to an award of attorney fees under the EAJA, 28 U.S.C. §2412, in the total amount of \$1,593.75. The parties have further agreed that the EAJA award in the agreed amount will fully satisfy any and all Plaintiff's fees, costs, and expenses under 28 U.S.C. §2412 in this case.

Under the parties' agreement, any paid EAJA fees belong to Plaintiff and not her attorney and can be offset to satisfy pre-existing debt that Plaintiff owes the United States pursuant to *Astrue v. Ratliff*, 560 U.S. ___, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010).

¹ Referring, of course, to the Equal Access to Justice Act, 28 U.S.C. §2412.

Accordingly, the Court hereby **ORDERS** that:

1. The Parties' Stipulation To Award EAJA Fees (Doc. #16) is accepted and the Commissioner shall pay Plaintiff's attorney fees, costs, and expenses in the total amount of \$1,593.75;
2. Defendant shall verify, **within thirty days of this Decision and Order**, whether or not Plaintiff owes a pre-existing debt to the United States subject to offset. If no such pre-existing debt exists, Defendant shall pay the EAJA award directly to Plaintiff's counsel; and
3. Plaintiff's Application For Attorney Fees Pursuant To The Equal Access To Justice Act (Doc. #14) is DENIED as moot; and
4. The case remains terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge